REMARKS

Claims 1-30 are in the Application. Herein Applicant responds to the various matters raised by the Examiner in the most recent office action. No new matter has been added herein.

The Examiner objected to the Abstract. A substitute Abstract is attached hereto.

The Examiner rejected claims 1-30 under Section 112, second paragraph. Applicant has amended the claims to clarify the claimed invention, which Applicant submits should overcome these Section 112 matters. Applicant wishes to thank the Examiner for identifying these errors and other potential ambiguities in the claims, which Applicant has attempted to address with the amendments herein.

The Examiner also objected to certain claims based on Section 112, first paragraph. Applicant respectfully traverses this rejection, particularly in view of the claims as presented herein. Initially, Applicant wishes to note that the specification as filed contemplated use in a "PBX or other telephone type system". Page 79 at line 6. What the disclosure makes clear from pages 79 to 81, for example, is that the music generation techniques may be applied to telephony systems that provide on-hold music, which includes but is not limited to a PBX (one of skill in the art would clearly read Applicant's specification as disclosing the PBX type system as an exemplary system that provides on-hold music, etc.). Moreover, the on-hold music may be generated by "one or more modules . . . to provide on-hold music to the caller on hold." Page 79 at lines 19-20. Thus, Applicant submits that the claimed use of a plurality of music generation engines (such as in claim 1), one or more music generation engines (such as in claim 11), or at least one music generation engine (such as in claim 29) to provide on-hold music in the claimed telephony devices/systems for providing on-hold music is amply supported by the specification as filed. As for claims 9 and 19 and the "volume, beat and filtering parameters", the provision of music generation devices that provide the ability to change such parameters are disclosed in great detail in other portions of Applicant's specification. In fact, the bulk of the specification is directed to music composition, user interactivity and the modification of such parameters based on user input. For clarification, Applicant has changed beat to tempo, and as exemplary support Applicant cites, for example, page

9

36, line 21 to page 37, line 5, page 32, lines 24 to 30, page 38, lines 18-20. There is substantial additional support that can be cited if desired by the Examiner.
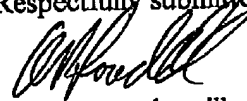
The Examiner also objected to claims under Section 102(f). Applicant respectfully traverses this rejection. Inventor Loudermilk invented the subject matter of the claims presented in this application as originally filed (namely, claims directed to using one or more music generation engines to generate on-hold music in a telephony system such as a PBX). During the course of prosecution, new claims were added, and inventor Georges was added in view of the changed subject matter of the claims being presented (inventor Georges is an inventor or co-inventor on many patents directed to autocomposition, music generation algorithms, etc.). The present application and the various patents also naming Georges as the inventor or as a co-inventor have been commonly assigned to the same assignee, and inventors Loudermilk and Georges have collaborated on many levels for many years. Accordingly, Applicant submits that the inventorship issues have been properly addressed in this application, and the rejection of the claims under Section 102(f) should be withdrawn. If there are any further questions in this regard, Applicant will be pleased to address such questions with the Examiner by interview or further written submission.

Claim 29 was rejected in view of USP 4,577,067 to Levy. In Levy, however, the disclosed system discloses user selection of a source of on-hold music, but does not disclose or suggest any type of system that can autocompose music. Applicant's invention as defined in claim 29 expressly calls for at least one music generation engine that can generate music via autocomposition in an on-hold music environment. Moreover, claim 29 recites one or more first commands for selecting a style of on-hold music that will be generated via autocomposition by the at least one music generation engines, and claim 30 further calls for second commands that enable an on-hold caller to modify the autocomposition of music process. In accordance with Applicant's invention, the on-hold caller may (1) select a style of music for autocomposition, and (2) interact with the autocomposition process by entering commands that cause the autocomposition process to be modified, etc. Levy is submitted to be readily distinguishable from Applicant's invention.

10

Applicant appreciates the extensive review of the present application conducted by the Examiner and has attempted herein to address the various matters raised by the Examiner. If there are any questions regarding the foregoing, Applicant's attorney requests an opportunity to discuss these matters with the Examiner by way of telephone or in-person interview.

Please charge any additional fee or credit to deposit account No. 50-0251.

Respectfully submitted,

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11